

1911

REMARKS

Independent claim 1 has been amended for clarity, to more clearly distinguish the claimed invention over the disclosures contained in the references that were cited and relied upon.

Claims 1-9 were rejected as obvious based upon the combination of the Yamauchi '917 and the Nielsen '503 references. The Yamauchi reference relates to an access system based upon a computer, a mobile telephone, and an output device to which access is controlled. An authentication number is requested from the computer through the mobile telephone and is transmitted by the computer to the mobile telephone and to the output device. The output device stores the received authentication number in a buffer storage unit. To use the output device, a user transmits the authentication number from the mobile telephone to the output device. The output device then compares the authentication number received from the mobile telephone with the authentication number stored in the buffer storage unit of the output device, and when those numbers are found to be in agreement access to the output device by the user is enabled (see Yamauchi, col. 5, lines 13-39). Essentially, the Yamauchi system is an open loop method in which the verification step is performed in the output device, whereas the claimed invention is a closed loop method of granting access because the stored access code that is output from the central computer after a request from the user is ultimately transmitted back to the central computer by the transmitter unit associated with the restricted area for verification in order to allow access by the user if verification is successful.

1911

It was acknowledged in the Action (Action, page 3, last paragraph) that the Yamauchi reference does not disclose the invention as it was claimed in claim 1 in the form in which it was presented in the previously-filed Amendment. Specifically, the step of transmitting the access code from the transmitter unit associated with the restricted area to the central computer was acknowledged as not disclosed in the Yamauchi reference, and the step of comparing in the central computer the access code received from the transmitter unit associated with the restricted area with the stored access code that the central computer transmitted to the radio terminal, to allow access to the restricted area when the access code received from the transmitter unit associated with the restricted area corresponds with the stored access code, was also acknowledged as not disclosed in the Yamauchi reference. However, the Nielsen reference was relied upon as disclosing subject matter that, along with the Yamauchi reference, was concluded to render obvious the invention claimed in previously-submitted claim 1.

The Nielsen reference discloses in Fig. 7c, which was relied upon in the Action, an access control system to provide a closed loop in which a lock control unit 721 communicates with an access code management system 711 and transmits a received access code to the access code management system. However, there is an important difference between the claimed invention and the method disclosed in Fig. 7c of the Nielsen reference. That important difference is that according to the Nielsen reference an open loop arrangement is disclosed because, as shown in Nielsen's Fig. 7c, the access code transfer to the key device is performed off-line by the access code management system. That transfer is of a number of access codes that

1911

are initially transferred from the access code management system to the electronic key device where they are stored in the memory of the key device (see Yamauchi, col. 16, lines 41-44; col. 18, lines 29-31 and lines 52-54), which requires storage of access codes only in the access code management system and in the electronic key device (see Yamauchi, col. 18, lines 62-64) for subsequent use by the electronic key device.

The present invention differs from the Yamauchi method in that a closed loop is initiated by the user when the user requests from the central computer an access code by use of the portable radio terminal possessed by the user, such as a mobile telephone. In Yamauchi the closed loop is only between the access code management system and the lock control unit, whereas in the present invention the closed loop extends from the central computer to the portable radio terminal to the transmitter associated with the restricted area, and back to the central computer. And the used-initiated request can contain identification information, such as an ID number of the user, as disclosed in the present application in paragraph [0025]. The ID-number of the user can be the telephone number of the user's mobile telephone, an ID-number of a computer of the user, a personal ID-number of a person, etc. Because the central computer sends a code to the user's mobile telephone only after the user has first requested a code from it by means of the mobile telephone, the central computer has information about the mobile telephone number, or the ID-number, of the user. When the central computer receives from the transmitter unit associated with the restricted area to which access is sought the code it transmitted to the mobile telephone, it is readily apparent which mobile telephone was used to initiate the request. That means that the central computer

1911

can have a register of telephone numbers that are allowed to receive access codes to allow access to particular restricted areas.

Because the central computer transmits an access code to a certain portable radio terminal, it can be assured that the user of that portable radio terminal is an authorized person to transmit the received access code over the short-range radio link to the arrangement to which access is sought. For example, regarding the example given in paragraph [0027] of the present application, the telephone numbers of the mobile telephones of firefighters can be stored in the central computer. In case an access code is requested by a mobile telephone other than one of the authorized firefighters, the central computer will not send an access code to that other mobile telephone. However, when an access code is sent to a mobile telephone of an authorized firefighter, the central computer receives the access code from the arrangement to which access is sought to confirm that the access code was received by the telephone of an authorized firefighter.

Thus, the purpose of the claimed invention is to provide a closed loop so that the central computer can check that the code that it transmitted was transmitted to an authorized user. A short-range radio link is used to send the access code to the arrangement to which access is sought, wherein an important feature is that the whole procedure is first initiated by a request to the central computer to transmit an access code, whereby access identifying information, such as the mobile telephone number of the user, is received by the central computer system at the time the access code is requested.

1911

According to the disclosure contained in the Nielsen reference, the mobile device is used to transmit access codes to, for example, a lock (see Nielsen, col. 9, lines 7-14). Therefore, the Nielsen system requires that the mobile phone contain particular access codes for different doors, access codes that were previously transferred off-line to the mobile device. However, the present invention involves a particular request for access at a time when access is requested. It can be access to doors, cars, computers etc., wherein the actual access code is given to the mobile telephone at the time the user requests an access code to allow access to a door, a car, or a computer. Hereby it might be required for the user to inform the central computer system of the access the user wants, for example an access code for a certain car or certain door.

Therefore, the combination of Yamauchi and Nielsen does not lead the person of only ordinary skill in the art to the claimed invention, because neither of those references refers to any request initiated by the user for an access code to provide access to a restricted area at the time at which access is sought.

Claims 2-9 each depend directly from amended claim 1, and therefore each of those dependent claims also recites a method that is not rendered obvious from the disclosures contained in the references that were cited and relied upon, and for the same reasons as are given above in connection with independent claim 1. Moreover, those dependent claims add additional features that in combination with claim 1 even further distance the invention as so claimed from the disclosures contained in the references that were relied upon.

1911

Furthermore, the references relied upon each relate to vastly different access systems involving different hardware devices and utilizing different methods. And because of the different hardware devices and different operating modes for the arrangements disclosed in the two references that were combined to provide the basis for the obviousness rejections, there would be no motivation for one to combine them. Moreover, the references themselves contain no disclosures that would motivate one to even attempt their combination. Only by some hindsight guidance gleaned from knowledge of what is contained in the present disclosure would one even consider the disparate references that were relied upon, and would one even attempt to combine their teachings in some undisclosed and unsuggested way. But it is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught. It is therefore urged that there is no motivation to combine the teachings of the Yamauchi and Nielsen references, nor would their combination, even if attempted, render obvious the invention as it is claimed in amended claim 1.

Claims 10 and 11 were rejected as obvious based upon the combination of the same references as were applied to the rejection of claim 1, together with the Strobel et al. '300 reference. It was acknowledged on page 6 of the Action that as to claim 10, "Yamauchi in view of Nielsen did not explicitly disclose wherein the access code transmitted from the restricted area to the central computer includes a network address associated with the restricted area," and it was acknowledged

1911

at page 7 of the Action that as to claim 11, "Strobel et al. disclose the step of utilizing the access code to encrypt information that is transmitted from the restricted area to the central computer." In that regard, the Strobel et al. reference relates to a different method from that claimed herein, one for the delivery and printing of documents in a secure manner. It has nothing to do with controlling access to a restricted area. And as was the case with the Yamauchi and Nielsen references, the Strobel et al. reference also does not disclose or suggest the method steps that were acknowledged as not disclosed by either of those references that were the basis for the rejection of claim 1, as pointed out above. Therefore, even if those three references were to be attempted to be combined in some way, which is not disclosed or suggested in any of those references, no such combination would disclose or suggest the invention as it is claimed in amended claim 1, from which each of dependent claims 10 and 11 depend, either directly or indirectly. And those dependent claims are therefore not obvious based upon the asserted combination of references.

Claim 12 was were rejected as obvious based upon the combination of the same references as were applied to the rejection of claim 1, together with the Camhi '684 reference. The Camhi reference was relied upon as disclosing a device for reading biometric data associated with a user of a monitoring system. However, that reference does not disclose or suggest the method steps that were acknowledged as not disclosed by either of those references and that were the basis for the rejection of claim 1, as pointed out above. Thus, that combination of references does not render obvious the invention as claimed in claim 12.

1911

Therefore, because the references themselves contain no motivation that would lead one having only ordinary skill in the art to combine them in any particular way, it is submitted that the only possible motivation for attempting to combine the references in the manner suggested by the examiner is the present disclosure. And to use the teachings of the present invention to assemble references that are directed to different methods, and then to identify and to attempt to combine individual discrete aspects of such references, to pick and choose individual disclosed features of the disparate individual references, would involve an improper hindsight reconstruction of the prior art while having applicant's invention in mind. It also amounts to using against an inventor that which only he has taught. Thus, one having only ordinary skill in the art would not be led by the references to combine the teachings of those references in the manner suggested by the examiner.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the references that were relied upon, whether those references be considered alone or together. Consequently, this application is believed to be in condition for allowance, and therefore reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this Amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance. Additionally, the courtesy of an interview is respectfully requested if this amendment

1911

is not deemed to place the present application in condition for allowance. And in that event, the examiner is invited to telephone the undersigned to arrange a mutually convenient time for such an interview.

Respectfully submitted,



January 28, 2012

Alfred J. Mangels
Reg. No. 22,695
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470